

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

DAWN A. CADDELL and LOUIS	§	
DELAROSA,	§	
Plaintiffs,	§	
	§	CIVIL ACTION NO. _____
v.	§	
	§	
OAKLEY TRUCKING, INC. and JILLETA	§	
BAXTER, AS AN HEIR TO THE ESTATE	§	
OF JOHN PATRICK BAXTER, Deceased	§	
OR AS AN EXECUTRIX,	§	
ADMINISTRATOR OR PERSONAL	§	
REPRESENTATIVE OF THE ESTATE OF	§	Jury Demand
JOHN PATRICK BAXTER,	§	
Defendants.	§	

**NOTICE OF REMOVAL**

Defendants OAKLEY TRUCKING, INC. and JILLETA BAXTER, AS EXECUTRIX TO THE ESTATE OF JOHN PATRICK BAXTER, (hereinafter "Defendants") files this Notice of Removal for the purpose of removing this cause to the United States District Court for the Northern District of Texas, Fort Worth Division, and states as follows:

**I.**  
**STATE COURT ACTION**

This is an action filed on or about October 3, 2014 in the 271<sup>st</sup> District Court of Wise County, Texas, being numbered CV-14-10-735 on the docket of the court and being a suit by Plaintiffs Dawn A. Caddell and Louis DeLaRosa (hereafter "Plaintiffs") to recover damages, including exemplary damages.

**II.**  
**FEDERAL JURISDICTION**

Plaintiffs reside in Denton County, Texas for diversity purposes. Plaintiffs claim they sustained injuries and damages from a motor vehicle accident on or about October 9, 2012. On this date, Plaintiff Dawn Caddell claims she was sitting alone in her parked vehicle in the Panda Express Restaurant parking lot in Decatur, Texas while a Semi-truck slammed into her side of the vehicle which was being operated by John Patrick Baxter, deceased. Plaintiffs claim personal injuries and damages related to the incident.

Defendant Oakley Trucking, Inc. was, at the time of the events giving rise to this action, a registered company in Arkansas with its principal place of business and state of incorporation in Arkansas. Defendant Jillea Baxter, as Executrix to the Estate of John Patrick Baxter, Deceased is a resident of Oklahoma.

The amount in controversy is in excess of \$75,000, exclusive of interest and costs as alleged by Plaintiffs in their Original Petition seeking damages in excess of \$200,000. There is therefore complete diversity of citizenship and a sufficient amount in controversy to confer jurisdiction on this court pursuant to 28 U.S.C. §1332. The above-described civil action is therefore one that may be removed pursuant to 28 U.S.C. §§1332, 1441 and 1446.

**III.**  
**STATE COURT DOCUMENTS ATTACHED**

This Notice of Removal has been filed within thirty (30) days after receipt through service or otherwise, of Plaintiffs' Original Petition, filed in the 271<sup>st</sup> District Court of Wise County, Texas. This suit was originally filed on October 3, 2014. Plaintiffs' Original Petition was served on Defendants on October 9, 2014. Removal is therefore timely under 28 U.S.C. §1446(b).

Attached hereto are copies of all pleadings, process and orders received or filed by Defendant American in this action pursuant to 28 U.S.C. §1446(a). Also attached are an Appendix and copies of the state court docket sheet, and a copy of the entire contents of the state court file.

**IV.**  
**RELIEF REQUESTED**

Defendants OAKLEY TRUCKING, INC. and JILLETA BAXTER, AS EXECUTRIX TO THE ESTATE OF JOHN PATRICK BAXTER respectfully request that Cause No. CV-14-10-735 DC-14-06687 in the 271<sup>st</sup> District Court of Wise County, Texas, be removed to the United States District Court for the Northern District of Texas, Fort Worth Division, and that this Court accept this Notice of Removal and that it assume jurisdiction of this case and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,

**MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P.**

By: /s/Mark J. Dyer

**MARK J. DYER**

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been mailed, telecopied or hand delivered to all attorneys of record, in compliance with Rule 5 of the FEDERAL RULES OF CIVIL PROCEDURE, on this the 7<sup>th</sup> day of November 2014.

/s/Mark J. Dyer

**MARK J. DYER**